



SAFETY ALERT!

May 5, 2005

This service is provided by the Building Industry Association of Tulare/Kings Counties Safety Committee. Alerts are designed to provide our members with quick safety information that shows a link between the lack of safe practices, injuries or fatalities that resulted, and penalties affirmed. This information is taken from the California Occupational Safety & Health Appeals Board (COSHAB) decisions, and affects all BIA member construction activities.

§ 341.1(a) Permits – Structures Exceeding 36 Feet or 3 Stories

A masonry contractor was responsible for obtaining a permit to build a masonry wall 40 feet high, and it could not delegate the duty to the general contractor. No one obtained a permit. A regulatory violation was established.

Penalty: regulatory violation and \$500.00 penalty affirmed.

§ 1704(b) Tools and Equipment – Pneumatic Nail Guns

A construction framer failed to make sure employees knew to disconnect pneumatic nail guns from the air supply when not in use or unattended. The accident involved a laborer who was shot through the neck when the nail gun bumped a stud and fired.

Penalty: serious violation and \$4,725.00 penalty affirmed.

§ 342(a) Reporting – Serious Injury

The employer failed to report a serious injury in a timely manner (ed. note: within 8 hours). An employee cut his wrist when the circular saw he was using kicked back, resulting in surgery and 3 months off work. The employee was admitted to the hospital after it was discovered he had severed 3 tendons. The employer knew of the hospitalization but reported it 3 days later.

Penalty: regulatory violation and \$5,000.00 penalty affirmed.

§ 1621(b) Railings and Toeboards

Employer was inspected and cited for failure to provide railings and toeboards. The employer attempted to have the case dismissed through a petition for reconsideration. Since the case has not been heard, the Appeals Board denied the motion to dismiss as premature.

Penalty: serious violation and \$18,000.00 proposed penalty remains.

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